

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEYAN R. PRICE,

Plaintiff,

-v.-

**9:06-CV-0029
(TJM)(RFT)**

**DR. JACK KEISER, Cayuga Correctional Facility,
Defendant.**

APPEARANCES:

KEYAN R. PRICE

96-A-6137

Plaintiff, *pro se*

Auburn Correctional Facility

P.O. Box 618

135 State Street

Auburn, New York 13024

RANDOLPH F. TREECE, Magistrate Judge

ORDER

Presently before the Court is a civil rights Complaint filed by *pro se* Plaintiff, Keyan R. Price. Dkt. No. 1, Compl. Plaintiff, who is currently incarcerated at Auburn Correctional Facility, also filed an Application to Proceed *in Forma Pauperis* and an inmate authorization form. Dkt. Nos. 2 & 5.

Plaintiff claims that Defendant, a physician at Cayuga Correctional Facility, violated his Eighth Amendment rights by acting with deliberate indifference to his medical needs. Compl. at ¶ 70. Plaintiff alleges that he complained for nearly two months about wrist problems, but Defendant refused to provide a wrist brace or other immobilizing device because Plaintiff had not yet been examined by a medical specialist. *Id.* at ¶ 69. For a complete statement of Plaintiff's claims, reference is made to the Complaint.

As to Plaintiff's Application to Proceed *in Forma Pauperis*, after reviewing the file, the Court finds that Plaintiff may properly proceed with this matter *in forma pauperis*. See Dkt. No. 2.

WHEREFORE, it is hereby

ORDERED, that Plaintiff's *in Forma Pauperis* Application is **GRANTED**.¹ The Clerk shall issue a Summons and forward it, along with a copy of the Complaint, to the United States Marshal for service upon Defendant. The Clerk shall forward a copy of the Summons and Complaint by mail to the Office of the New York State Attorney General, together with a copy of this Order; and it is further

ORDERED, that the Clerk shall provide the Superintendent of the facility designated by Plaintiff as his current location with a copy of Plaintiff's authorization form, and notify the official that this action has been filed and that Plaintiff is required to pay the entire statutory filing fee of \$250.00 pursuant to 28 U.S.C. § 1915; and it is further

ORDERED, that the Clerk provide a copy of Plaintiff's authorization form to the Financial Deputy of the Clerk's Office; and it is further

ORDERED, that a response to Plaintiff's Complaint be filed by Defendant or his counsel as provided for in the Federal Rules of Civil Procedure after service of process on Defendant; and it is further

ORDERED, that all pleadings, motions and other documents relating to this action must bear the case number assigned to this action and be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk must be accompanied by a certificate showing that a true and correct copy of it was mailed to all opposing parties or their counsel. Any document received by the Clerk or the Court which**

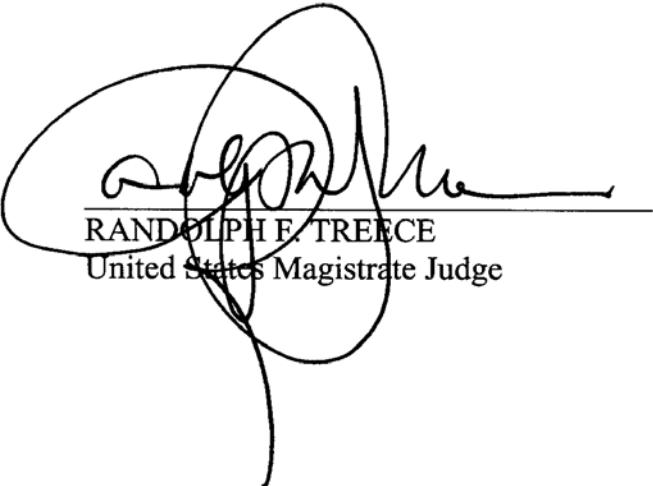
¹ Plaintiff should note that although the Application to Proceed *in Forma Pauperis* has been granted, Plaintiff will still be required to pay fees that he may incur in this action, including but not limited to copying and/or witness fees.

does not include a proper certificate of service will be returned, without processing. Plaintiff must comply with requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned Magistrate Judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel of any change in Plaintiff's address; his failure to do so will result in the dismissal of this action.** All motions will be decided on submitted papers without oral argument unless otherwise ordered by the Court; and it is further

ORDERED, that the Clerk serve this Order on Plaintiff.

IT IS SO ORDERED.

Date: April 21, 2006
Albany, New York



RANDOLPH F. TREECE
United States Magistrate Judge